

## LUIGI MORELLI

JULY 20, 1951.—Committed to the Committee of the Whole House and ordered to be printed

Mr. FELLOWS, from the Committee on the Judiciary, submitted the following

### R E P O R T

[To accompany H. R. 1831]

The Committee on the Judiciary, to whom was referred the bill (H. R. 1831) to admit Luigi Morelli to the United States for permanent residence, having considered the same, report favorably thereon with amendment and recommend that the bill do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That, notwithstanding the provisions of the eleventh category of section 3 of the Immigration Act of February 5, 1917, as amended (8 U. S. C. 136 (e)), insofar as concerns any act or acts of Luigi Morelli, of which the Department of State or the Department of Justice have notice at the time of the enactment of this Act, the said Luigi Morelli may be admitted to the United States for permanent residence if he is not found otherwise inadmissible under the provisions of the immigration laws.

#### PURPOSE OF THE BILL

The purpose of this bill, as amended, is to waive an exclusion clause of our immigration laws, concerning the commission of a crime involving moral turpitude, in behalf of the husband of a United States citizen.

#### GENERAL INFORMATION

The pertinent facts in this case are contained in a letter dated February 13, 1951 from the Deputy Attorney General to the chairman of the Committee on the Judiciary, which letter reads as follows:

FEBRUARY 13, 1951.

Hon. EMANUEL CELLER,

*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 1831) for the relief of Luigi Morelli, an alien.

The bill would provide that, notwithstanding the eleventh category of section 3 of the act of February 5, 1917, Luigi Morelli, of the Province of Siracusa, Italy, the husband of Mrs. Paolina Morelli, a citizen of the United States, shall be admitted to the United States for permanent residence if he is otherwise admissible under immigration laws.

The files of the Immigration and Naturalization Service of this Department disclose that Luigi Morelli who is about 40 years of age, was born in Palazzolo, Italy, and that he is a citizen of that country. On September 3, 1938, he married Paolina Quattropani, who was born on April 11, 1917 in Hartford, Conn. Mrs. Morelli resided in Italy from 1921 until October 12, 1949, when she returned to the United States and was admitted as a citizen of this country. They have two minor children who were born in Italy. Luke, the older child, resides in Italy with his father, and the daughter, Itria, resides in the United States with her mother.

Mrs. Morelli is employed by a firm in Boston, Mass., at a salary of \$30 per week. Mr. Morelli works in Italy as a lumberman. According to Mrs. Morelli, he served in the Italian Army during World War I and was honorably discharged after 3 years of service in World War II because of his occupation as a lumberman.

On December 14, 1949, Mrs. Morelli's petition for the granting of nonquota status (under sec. 4 (a) of the Immigration Act of 1924) to her husband was approved by the Immigration and Naturalization Service. However, it was found that Mr. Morelli was convicted in the court of assize, Sucusa, Italy, on May 27, 1935, of putting false money into circulation knowing that it was counterfeit. Since the crime was one involving moral turpitude within the meaning of the immigration laws, he is mandatorily excludable from the United States under the provisions of the eleventh category of section 3 of the Immigration Act of 1917. An immigration visa was therefore denied pursuant to section 2 (f) of the Immigration Act of 1924, which provides that no immigration visa shall be issued to an immigrant who is inadmissible to the United States. Mrs. Morelli stated that her husband was sentenced to 4 years in prison; that he was released after having served 2 years, and that he received a pardon and certificate of good conduct. According to our laws and their judicial interpretation, a foreign pardon is ineffective to relieve an alien from the disability arising from conviction of a crime involving moral turpitude (*Mercer v. Lence*, 96 F. 2d. 122, certiorari denied, 305 U. S. 611). There is nothing in the record to indicate that the alien has been in conflict with the law since his conviction in 1935.

Whether, under the circumstances in Mr. Morelli's case, the provisions of the immigration laws should be waived presents a question of legislative policy concerning which the Department of Justice prefers not to make any recommendation.

If the committee should, however, give favorable consideration to the bill, it is suggested that it be amended by striking out all after the enacting clause and substituting the following:

"That, notwithstanding the provisions of the eleventh category of section 3 of the Immigration Act of February 5, 1917, as amended (8 U. S. C. 136 (e)), insofar as concerns any act or acts of Luigi Morelli, of which the Department of State or the Department of Justice have notice at the time of the enactment of this Act, the said Luigi Morelli may be admitted to the United States for permanent residence if he is not found otherwise inadmissible under the provisions of the immigration laws."

Yours sincerely,

PEYTON FORD,  
*Deputy Attorney General.*

Mr. Kennedy, the author of this bill, appeared before a subcommittee of the Committee on the Judiciary and urged the enactment of this legislation, testifying as follows:

Mr. Chairman and members of this committee, first, I would like to take this opportunity to thank you for permitting me to testify before your committee

in behalf of this bill, H. R. 1831, which I have introduced in behalf of Luigi Morelli, to permit his admission into the United States.

His wife, Mrs. Paolina Morelli, is a resident of my congressional district, living at 479 Hanover Street, Boston, Mass. Mrs. Morelli was born in Hartford, Conn., in 1917, and was taken to Italy by her parents in 1922. She and Mr. Morelli were married in Italy on September 2, 1938, and they have two children—a son, Luca, who is with his mother here in the United States; and a daughter, Itria, who is with Mr. Morelli in Italy. After their marriage they had planned to come to the United States; but, due to the unsettled conditions and the final outbreak of the war, they were unable to come to this country at that time. However, after World War II, they made additional plans to come to the United States. Mrs. Morelli, being an American-born citizen, applied for a passport and was given one, together with her son, Luca. They arrived in New York in October 1949 and proceeded to Boston, where they lived for a while with a friend of Mr. Morelli. Mrs. Morelli subsequently obtained a job, sewing in a factory; and, although the pay is not too much, the work is steady, and she has been able to care for herself and her child. Since her arrival in the United States, Mrs. Morelli has looked forward to the day when she and her husband, and her children, could be together as a family unit. Soon after she arrived here she submitted a visa petition to the Immigration and Naturalization Service in her husband's behalf, and this petition was approved and forwarded to the American consul general at Palermo, Italy. All the documentary evidence submitted to support Mr. Morelli's visa application was satisfactory, but it was then discovered that Mr. Morelli had had a court offense prior to his marriage. He had been convicted of passing counterfeit money, which had been made by his father. This conviction took place in May 1935 in the court of assize at Siracusa, Italy.

Section 3 of the Immigration Act of February 5, 1917, as amended, I understand, excludes from admission into the United States persons who have been convicted of, or who admit having committed, a felony or other crime or misdemeanor involving moral turpitude.

However, to my knowledge, Mr. Morelli has only this one offense against his record, and since that time has led an exemplary life. In fact, he received a pardon, and a certificate of good conduct, after having served 2 years of a 4-year sentence. I have already submitted to this committee a statement from the office of the district attorney of Siracusa, Italy, which indicates that "nothing" appears against the name of Luigi Morelli in the judicial files.

I would also like to bring to the attention of the members of this committee the report which was received from the Department of Justice. The Department has made no recommendation on this legislation, but is leaving the matter entirely up to the committee in view of the fact that it constitutes a question of legislative policy. New language for the amending of the bill, in the event it is favorably considered by the committee, is contained in that report, and I would like to advise you that there would, of course, be no objections on my part to such amendment.

On the merits of the case, and on the basis of the facts which I have presented to you, I would deeply appreciate your favorably considering this bill.

If it is reported favorably, Mrs. Morelli will be one step nearer reunion with her husband and daughter. If the committee does not favor this legislation, Mrs. Morelli and her son will have to leave the country and return to Italy to live. This they do not want to do. They are Americans, and wish to remain here to enjoy the privileges of the American way of life. Naturally Mrs. Morelli is most anxious that these privileges extend to her husband, and to her daughter, Itria, who live with the hope of coming to the United States to start life anew.

Thank you for your time, and for anything you may be able to do toward reuniting this family.

Having considered all the facts in this case, the committee is of the opinion that H. R. 1831, as amended, should be enacted and it accordingly recommends that the bill do pass.



